

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1295

**Introduced by Senator Dutton
(Coauthors: Senators Cogdill and Denham)**

February 19, 2010

An act to amend Sections 5101.4 and 5101.8 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1295, as amended, Dutton. License plates.

Existing law authorizes a person who is a recipient of the Army Medal of Honor, Navy Medal of Honor, Air Force Medal of Honor, Army Distinguished Service Cross, Navy Cross, Air Force Cross, or Purple Heart to apply for special license plates for his or her vehicle. The person's surviving spouse may retain the special license plates, subject to certain conditions. Existing law exempts these recipients from payment of vehicle registration fees and payment of charges under the Vehicle License Fee Law.

This bill would authorize ~~a~~ *another surviving* member of the ~~former deceased~~ medal recipient's family, as defined, to retain one of the special license plates as a family heirloom, upon submitting an affidavit to the Department of Motor Vehicles agreeing not to attempt to use the special license plates for vehicle registration purposes, subject to the condition that the special license plates are not valid for use for vehicle registration purposes or for the specified exemption from fees and charges by a person other than the person issued the special license plates and the surviving spouse of that person.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5101.4 of the Vehicle Code is amended to read:

5101.4. (a) Any person otherwise eligible under this article who is a recipient of the Army Medal of Honor, Navy Medal of Honor, Air Force Medal of Honor, Army Distinguished Service Cross, Navy Cross, or Air Force Cross may apply for special license plates for the vehicle under this article.

(b) The applicant, by conclusive evidence, shall show that the applicant is a recipient of one of the nation's highest decorations for valor, as specified in subdivision (a).

(c) The special license plates issued under this section shall contain the words "Legion of Valor" and shall run in a regular numerical series. An adhesive sticker denoting which of the nation's highest decorations for valor, as specified in subdivision (a), is held by the applicant shall be affixed in a recess provided for it on the license plates.

(d) Upon the death of a person issued special license plates pursuant to this section, his or her surviving spouse may retain the special license plates subject to the conditions set forth in this section. If there is no surviving spouse, the special license plates shall be returned to the department either (1) within 60 days following that death or (2) upon the expiration of the vehicle registration, whichever occurs first. However, in the absence of a surviving spouse, ~~a member of the former~~ *another surviving member of the deceased* medal recipient's family may retain one of the special license plates as a family heirloom, subject to the conditions set forth in subdivision (g), upon submitting an affidavit to the department agreeing not to attempt to use the special license plates for vehicle registration purposes.

(e) If a surviving spouse who has elected to retain the special license plates as authorized under subdivision (d) dies while in possession of the special license plates, the special license plates shall be returned to the department either within 60 days following that death, or upon the expiration date of the vehicle registration, whichever date occurs first. However, ~~a member of the former~~ *another surviving member of the deceased* medal recipient's family may retain one of the special license plates as a family heirloom, subject to the conditions set forth in subdivision (g), upon

1 submitting an affidavit to the department agreeing not to attempt
2 to use the special license plates for vehicle registration purposes.

3 (f) Sections 5106 and 5108 do not apply to this section.

4 (g) The special license plates issued under this section are not
5 valid for use for vehicle registration purposes or for the purposes
6 of Section 9105, or Section 10783 or 10783.2 of the Revenue and
7 Taxation Code, by a person other than the person issued the special
8 license plates under subdivision (a) and the surviving spouse of
9 that person.

10 (h) For purposes of this section, “family” means grandparents,
11 stepgrandparents, parents, stepparents, siblings, stepsiblings,
12 children, and stepchildren of the person issued the special license
13 plates under subdivision (a).

14 SEC. 2. Section 5101.8 of the Vehicle Code is amended to
15 read:

16 5101.8. (a) Any person otherwise eligible under this article
17 who is a Purple Heart recipient may apply for special license plates
18 for vehicles that are not used for transportation for hire,
19 compensation, or profit, under this article. The special plates
20 assigned to the vehicle shall run in a separate numerical series,
21 shall have inscribed on the plate the Purple Heart insignia, and
22 shall contain the words “Combat Wounded” and “Purple Heart”
23 or at least the letters “PH” as part of the numerical series. The
24 department shall reserve and issue the special plates to all
25 applicants providing the proof required by subdivision (b).

26 (b) The applicant, by satisfactory proof, shall show that the
27 applicant is a Purple Heart recipient.

28 (c) Special plates may be issued pursuant to subdivision (a) only
29 for a vehicle owned or coowned by a Purple Heart recipient.

30 (d) Upon the death of a person issued special license plates
31 pursuant to this section, his or her surviving spouse may retain the
32 special license plates subject to the conditions set forth in this
33 section. If there is no surviving spouse, the special license plates
34 shall be returned to the department either (1) within 60 days
35 following that death or (2) upon the expiration of the vehicle
36 registration, whichever occurs first. However, in the absence of a
37 surviving spouse, ~~a member of the former~~ *another surviving*
38 *member of the deceased* Purple Heart recipient’s family may retain
39 one of the special license plates as a family heirloom, subject to
40 the conditions set forth in subdivision (h), upon submitting an

1 affidavit to the department agreeing not to attempt to use the special
2 license plates for vehicle registration purposes.

3 (e) If a surviving spouse who has elected to retain the special
4 license plates as authorized under subdivision (d) dies while in
5 possession of the special license plates, the special license plates
6 shall be returned to the department either within 60 days following
7 that death, or upon the expiration date of the vehicle registration,
8 whichever date occurs first. However, ~~a member of the former~~
9 *another surviving member of the deceased* Purple Heart recipient's
10 family may retain one of the special license plates as a family
11 heirloom, subject to the conditions set forth in subdivision (h),
12 upon submitting an affidavit to the department agreeing not to
13 attempt to use the special license plates for vehicle registration
14 purposes.

15 (f) When an applicant for the Purple Heart license plate qualifies
16 as a disabled veteran, as specified in subdivision (b) of Section
17 22511.55, the applicant may also apply for a distinguishing placard
18 described in subdivision (a) of Section 22511.55 to be used in
19 conjunction with the Purple Heart license plate for the purpose of
20 allowing special parking privileges pursuant to subdivision (a) of
21 Section 22511.5.

22 (g) Sections 5106 and 5108 do not apply to this section.

23 (h) The special license plates issued under this section are not
24 valid for use for vehicle registration purposes or for the purposes
25 of Section 9105, or Section 10783 or 10783.2 of the Revenue and
26 Taxation Code, by a person other than the person issued the special
27 license plates under subdivision (a) and the surviving spouse of
28 that person.

29 (i) For purposes of this section, "family" means grandparents,
30 stepgrandparents, parents, stepparents, siblings, stepsiblings,
31 children, and stepchildren of the person issued the special license
32 plates under subdivision (a).